

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

GODINGER SILVER ART LTD. and  
P&W GIFTS LLC,

Plaintiffs,

v.

LIRAN HIRSCHKORN,

Defendant.

Civil No. 1:18-cv-06175 (ENV)(ST)

Hon. Eric N. Vitaliano

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.  
★ DEC 18, 2018 ★  
BROOKLYN OFFICE

STIPULATION AND ~~PROPOSED~~ ORDER

Plaintiffs Godinger Silver Art Ltd. and P&W Gifts LLC (collectively, "Plaintiffs") and Defendant Liran Hirshkorn ("Defendant"; each of Plaintiffs and Defendant a "Party," and together, the "Parties"), by counsel, hereby stipulate and agree as follows:

1. The Parties enter this stipulation for purposes of streamlining the issues in this case and reducing the burdens of discovery and trial.
2. On November 28, 2018, Plaintiffs filed a First Amended Complaint (D.E. 8) that includes, *inter alia*, claims that: (1) U.S. Design Patent No. D824,263 ("the '263 Patent") is invalid; (2) Plaintiffs' Globe Decanter (a photograph of which is attached hereto as Exhibit A) does not infringe the '263 Patent; (3) U.S. Design Patent No. D826,640 ("the '640 Patent") is invalid; and (4) Plaintiffs' Skull Decanter (a photograph of which is attached hereto as Exhibit B) does not infringe the '640 Patent.
3. On December 5, 2018, Defendant provided Plaintiffs with a covenant not to sue (a copy of which is attached hereto as Exhibit C) wherein Defendant unconditionally and irrevocably covenanted not to sue Plaintiffs for infringement of:



- a. “the ‘263 Patent based on the appearance of any of Plaintiffs’ current and/or previous Globe Decanter product designs [a photograph of Plaintiffs’ previous Globe Decanter is attached hereto as Exhibit D], and any colorable imitations thereof, regardless of whether that Globe Decanter is produced, distributed, offered for sale, advertised, sold or otherwise used in commerce before or after the Effective Date of this Covenant”; and
  - b. “[t]he ‘640 Patent based on the appearance of any of Plaintiffs’ current and/or previous Skull Decanter product designs, and any colorable imitations thereof, regardless of whether that Skull Decanter is produced, distributed, offered for sale, advertised, sold or otherwise used in commerce before or after the Effective Date of this Covenant.”
4. Based on Defendant’s covenant not to sue:
- a. Counts One and Three of Plaintiffs’ First Amended Complaint, seeking a declaratory judgment of invalidity of the ‘263 Patent and a declaratory judgment of invalidity of the ‘640 Patent, respectively, are dismissed without prejudice; and
  - b. Counts Two and Four of Plaintiffs’ First Amended Complaint, seeking a declaratory judgment of non-infringement of the ‘263 Patent and a declaratory judgment of non-infringement of the ‘640 Patent, respectively, are dismissed with prejudice.

5. In the event Defendant again sues Godinger Silver Art Ltd. and/or P&W Gifts LLC for infringement of the '263 Patent and/or the '640 Patent, Defendant may not accuse of infringement any of the products covered by the covenant not to sue (Exhibit C hereto).

SO STIPULATED AND AGREED, this 14th day of December 2018.

By: /s/ Martin B. Pavane  
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*Attorney for Defendant Liran Hirschhorn*

**SO ORDERED**

Dated: 12/14/2018  
Brooklyn, New York

/s/ USDJ ERIC N. VITALIANO  
Eric N. Vitaliano, District Court Judge